IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1778 OF 2006

Mahesh Jaisingrao Shirke, Applicant
Vs
The State of Maharashtra, Respondent.
Mr M.S.Mohite, for the applicant.
Mrs M.M.Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 7th JUNE, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. By this criminal application under section 482 of Cr.P.C the applicant-accused is seeking direction to permit the applicant's advocate to cross-examine two witnesses viz. PW 8 Ranu Atpadkar and PW 9 Gulabrao Nale. It appears that on the date of recording their evidence the learned Advocate for the accused was absent. The accused was, therefore, asked to cross-examine the witnesses which he declined and hence the cross-examination of both these witnesses was closed. I am informed that the evidence has already been closed and the case is kept for argument. Keeping the gravity of the offence and the interest of justice in view I deem it appropriate to grant one more opportunity to the accused to cross-examine both these witnesses. Hence the following order.

(i) The trial Court shall permit the advocate appearing for the accused to cross-examine PW 8 -Ranu Atpadkar and PW 9 Gulabrao Nale on the day to be fixed by the Sessions Court. If the advocate on record or any other advocate on his behalf fails to appear and cross-examine these witnesses,it is open for the trial court to proceed with the case and in that case no application for conducting cross-examination of these witnesses shall be entertained. The criminal application is accordingly disposed of.

(D.B.BHOSALE,J.)